



Preserving America's Heritage

MINUTES

FALL BUSINESS MEETING

ADVISORY COUNCIL ON HISTORIC PRESERVATION

NOVEMBER 15, 2012

WASHINGTON, D.C.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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**MEETING
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

**Russell Senate Office Building
Kennedy Caucus Room
Washington, D.C.
November 15, 2012**

PROVISIONAL AGENDA

Call to Order—8:30 a.m.

- I. Chairman's Welcome
- II. Chairman's Award
- III. Chairman's Report
- IV. ACHP Management Issues
 - A. ACHP FY 2013 and 2014 Budget
 - B. Alumni Foundation Report
 - C. Credentials Committee Review of Designee Credentials
 - D. Committee Reorganization
- V. Follow up to August Forum Discussion—Building a More Inclusive Preservation Program
- VI. Historic Preservation Policy and Programs
 - A. The Future of Historic Preservation Tax Credits
 - B. Rightsizing Task Force Report
 - C. Sustainability Task Force Report
 - D. ACHP Plan in Response to United Nations Declaration on the Rights of Indigenous Peoples
 - E. Social Media and the ACHP
 - F. Planning for 50th Anniversary of the National Historic Preservation Act
 - G. Planning for 10th Anniversary of the Preserve America Program
- VII. Section 106 Issues
 - A. Guidance on Coordinating and Substituting NEPA and Section 106 Compliance
 - B. Department of Housing and Urban Development Tribal Notification Database
 - C. Energy and Historic Preservation Workgroup
- VIII. New Business
- IX. Adjourn

IN ATTENDANCE

Milford Wayne Donaldson, Chairman
Clement A. Price, Vice Chairman
Horace H. Foxall, Jr.
Terry Guen
Dorothy Lippert
Mark Sadd
Bradford J. White
John G. Williams, III

Architect of the Capitol

Secretary of Agriculture

Secretary of Defense

Administrator, General Services Administration

Secretary of Housing and Urban Development

Secretary of the Interior

Secretary of Transportation

Stephen Ayers

Represented by:

Arthur Blazer
Deputy Under Secretary
for Natural Resources
and Environment

Represented by:

Maureen Sullivan
Federal Preservation
Officer

Represented by:

Beth Savage
Director, Center for
Historic Buildings,
Public Buildings
Service

Represented by:

Yolanda Chávez
Deputy Assistant
Secretary, Grant
Programs, Office of
Community Planning
and Development

Represented by:

Rachel Jacobson
Principle Deputy
Assistant Secretary for
Fish and Wildlife and
Parks

Represented by:

Camille Mittelholtz
Acting Director, Office
of Safety, Energy and
Environment

Secretary of Veterans Affairs

Represented by:

Glenn Haggstrom
Executive Director,
Office of Acquisition,
Logistics, and
Construction and Chief
Acquisition Officer

President, National Conference of State Historic
Preservation Officers

Ruth Pierpont
Deputy New York SHPO

Nancy Schamu
Executive Director,
NCSHPO

Chairman, National Trust for Historic Preservation

Represented by:

Stephanie Meeks
President

OBSERVERS

Administrator, Environmental Protection Agency

Represented by:

Dennis Bushta
Deputy Director, Office
of Administration

Chair, National Alliance of Preservation Commissions

Represented by:

Scott Whipple
Historic Preservation
Section Supervisor,
Functional Planning and
Policy Division,
Montgomery County
Planning Department

Chair, Council on Environmental Quality

Represented by:

Horst Greczmiel
Associate Director for
NEPA Oversight

President, ACHP Alumni Foundation

Katherine Slick
Historic Preservation Consultant

In attendance and participating in the meeting were ACHP Executive Director John M. Fowler; Brian Goeken, chief of Technical Preservation Services for the National Park Service; Tom Cassidy, vice president of government relations and policy at the National Trust for Historic Preservation; and Valerie Hauser, Charlene Vaughn, and Reid Nelson of the ACHP.

PROCEEDINGS

Advisory Council on Historic Preservation (ACHP) Chairman Milford Wayne Donaldson opened the fall business meeting at 8:30 a.m. He asked Vice Chairman Clement Price to lead the group in the Pledge of Allegiance. The agenda was adopted with a motion by Maureen Sullivan and second by Stephen Ayers. Chairman Donaldson appointed Shayla Shrieves recorder. He welcomed Rachel Jacobson from the Department of the Interior to the meeting and thanked Nancy Schamu for the council dinner the previous night and Mr. Ayers for hosting the meeting today. Mr. Ayers welcomed the council members to the Kennedy Caucus Room and said the Russell Senate Office Building dates to 1909. Chairman Donaldson asked council members to introduce themselves. The members adopted the minutes of the August 9, 2012, business meeting, with a motion by Vice Chairman Price and second by Brad White.

II. Chairman's Award for Achievement in Historic Preservation

Vice Chairman Price narrated a visual presentation of the winner: the Heritage Stewardship Enhancement Program of the U.S. Forest Service. It is unique to the Northern Region, initiated in 2003 and the first projects funded in 2004. The Northern Region encompasses 25 million acres over five states. The region includes 12 National Forests in northeastern Washington, northern Idaho, and Montana; as well as National Grasslands in North Dakota and northwestern South Dakota. About 20,000 cultural resources are recorded in the Northern Region. This is a small fraction of the cultural resources that exist on the 25 million acres.

In 2011, 17 projects were funded. These ranged from archaeological investigations of a World War II era B-17 crash site and shelter caves used by American Indians, to documentation and restoration of historic structures, as well as artifact curation and tracing the trails and camps of Lt. Col. Custer's 7th Cavalry in the 1870s. Northern Region funding for each project ranges from \$10,000 to \$50,000. However, forests and grasslands often submit multiple smaller projects to reach the minimum funding level.

Chairman Donaldson said this program fosters protection, enhancement, and public use of cultural resources. Since its inception, the program has provided essential funding for more than 110 stewardship projects in the northern Rocky Mountains and high plains region that help fulfill Preserve America and America's Great Outdoors goals. The Forest Service is working with states, tribes, universities, nonprofit organizations, and other entities. This exemplary program supports Sections 106 and 110 of the National Historic Preservation Act (NHPA) and is a model for other departments, agencies, and bureaus across the nation.

He said it gives the ACHP great pleasure to recognize current leaders and custodians of the Heritage Stewardship Enhancement program. There is an important Forest Service meeting taking place in Denver that precluded Chief Tom Tidwell of the U.S. Forest Service and Northern Region Forest Supervisor Faye Krueger from being in D.C. But representing them is Calvin Joyner, Associate Deputy Chief of the National Forest System. Arthur "Butch" Blazer, Deputy Under Secretary for Natural Resources and Environment, accepted on behalf of the Secretary of Agriculture.

From and accepting on behalf of the Northern Region were Maureen Kirchoff, Northern Region Deputy Director; Carl Davis, Regional Archaeologist; Kirby Matthew, Northern Region Historic Preservation Team; and, Chere Jiusto, Executive Director of the Montana Preservation Alliance, who is representing all of the partners who have participated in the Heritage Stewardship Enhancement program.

Mr. Blazer said he was honored when he was asked to represent USDA on the ACHP and now having the great team that makes these kinds of things happen, it is phenomenal. He is appreciative of the work in Region 1. These folks are doing a wonderful job that the rest of the country needs to take notice of.

Mr. Joyner said this is a program that has been a labor of love for a number of years. This is a program that should be emulated in other regions, leveraging scarce federal and state taxpayer dollars with partners to make a true public-private partnership to make the most of preservation of these important places. The group came to the front for photographs.

Marine Corps Defending Our Cultural Heritage Poster Series Presentation

Chairman Donaldson welcomed representatives of the Marine Corps poster series to the front: David Clifton, Deputy Commander, Marine Corps Installations Command; Captain Antonio Edmonds, Director, Facilities, Marine Corps Installations Command, Headquarters; and, Sue Goodfellow, Head of the Planning and Conservation Section of the Marine Corps.

Chairman Donaldson said he has enjoyed working in partnership with the Marine Corps for some time now. Recently, he presented Marine Corps Base Quantico with a Chairman's Award for its actions in preserving and interpreting significant Civil War sites and listing them on the National Register of Historic Places. He has witnessed how well the Marines are taking care of their heritage and helping to inform the public of the Corps' proud history and its key role in America's story. The ACHP is honored to partner with the Corps on its "Defending Our Cultural Heritage" poster series. He said he is delighted to continue working with the Corps and the National Park Service (NPS) to bring greater awareness to the iconic places under the responsible stewardship of the U.S. Marine Corps.

Mr. Clifton said Marines are successful because they provide realistic training at installations around the world. They are also serious stewards of their cultural and natural resources. They invest in balancing the need to train Marines realistically on installations so they can be successful, with the needs to protect the environment and cultural resources. He unveiled two new posters: Montford Point Marines and Navy Air Station Kaneohe Bay. He asked Ms. Jacobson to join them at the podium for photos.

Chairman Donaldson acknowledged Richard Hanes, the Bureau of Land Management's (BLM) Chief of the Division of Cultural, Paleontological Resources, and Tribal Consultation, and a long time friend of the ACHP. Mr. Hanes has announced his retirement effective November 30 after 36 years with the government. He took an active role in revising the BLM's nationwide Programmatic Agreement and has been a strong supporter of the ACHP's very successful partnership with the BLM. Mr. Hanes has also been an able representative of the Department of the Interior (DOI) on our joint Energy and Historic Preservation workgroup, and a long time supporter of the Preserve America and America's Great Outdoors initiatives. Chairman Donaldson thanked him for his commitment and wished him the best in retirement.

The chairman also reported that Dr. Price was elected to membership of the Board of Trustees of the National Trust at their recent meeting in Spokane.

III. Chairman's Report

Chairman Donaldson said he is looking forward to the next four years and working with the Administration on their goals and our goals together. He is trying to strategize on the ACHP's work with the White House and other partners on where we are going for the next four years. Chairman Donaldson also reported that he is no longer the State Historic Preservation Officer (SHPO) for California.

He reminded members that last year the ACHP adopted a proposal to extend voting membership to the General Chairman of the National Association of Tribal Historic Preservation Officers (NATHPO). Since then he has been working with the NPS to advance the necessary legislative amendment to achieve this.

The ACHP had submitted a proposed amendment directly to the Congress. This was just before the Congress recessed for Labor Day and the election. He said they would try to move it ahead now that the election is over. He said he appreciated John Fowler taking the lead on this and for the partnership with the National Trust.

He said Valerie Hauser and he participated in the panel for the Federal-Tribal Roundtable on Tribal Cultural Landscapes at NATHPO's 14th annual meeting at the Suquamish Tribe in Seattle, Washington. There were 120 people in the audience, and the discussion was very lively. Major themes included the need for clear definitions and guidance that includes best practices and trying to do better and more meaningful consultation. He also gave the keynote address and then talked about the ACHP's Traditional Cultural Landscapes Action Plan that has been getting a lot of good feedback. There is a fundamental shift in awareness of the need to consider these large-scale historic properties in project planning, he said.

The National Register held a listening session about Bulletin 38 and traditional cultural landscapes, which provoked a lively discussion. He said he has been trying to build an interest in building a good relationship between SHPOs and Tribal Historic Preservation Offices (THPOs). He thanked Ms. Hauser, Nancy Brown, and Blythe Semmer for their work.

IV. ACHP Management Issues

Regarding the ACHP FY 2013 and 2014 budget, Chairman Donaldson reminded members that he talked at the last meeting about the reduction in the ACHP's appropriation for FY 2013. The ACHP has had to take major steps to scale back operations, including going to three meetings a year.

Mr. Fowler said when the House marked up the appropriations bill in the summer they supported the President's budget for ACHP operating costs but eliminated the \$1.3 million to support the move out of the Old Post Office Building. The Senate appropriations committee reinstated the move cost and gave the ACHP an additional \$200,000 in the operating budget. Congress is working on final numbers for FY 2013, and we are under a continuing resolution that goes through March. He said he is hopeful to get all the move money. Two staff were let go, travel restrictions, and other operations adjustments will help the agency live within its means. For FY 2014, he had to project a budget 5 percent below the FY 2013 request. Chairman Donaldson thanked ACHP staff for filling in the gaps. He said since the number of business meetings is cut back, there will be committee calls in between.

IV. B. ACHP Alumni Foundation

Katherine Slick said the 106 Success Stories were in the meeting books. Ten have been produced so far. The kinds of stories that are being produced are helpful to the world of preservation and show the work of the ACHP. She is looking for more story ideas. The intention is to have two or three stories per month.

She said the foundation will be able to support some things that the agency cannot, due to the budget crunch. She will work with the staff for design on the publication of the Rightsizing Task Force report and will support the planning for the 10th anniversary of Preserve America and 50th anniversary of the NHPA. They will also expand the intern program to be more inclusive, from a wider variety of disciplines and populations, and year-round. Ms. Slick said alum Tom Miller exited the board, and former ACHP vice chairman Susan Barnes has joined the board.

Chairman Donaldson said at the last meeting the members adopted changes to the ACHP's Operating Procedures to implement recommendations from the Credentials Committee. Since then, steps have been taken, and he thanked Mr. Fowler and Ralston Cox for putting the plan together to move forward. We are looking at the position designations rather than the person, he said.

He also said he had anticipated the White House office would have named the new members, but three new appointees should be named before the next council meeting. He said this allows him the opportunity to look at the committees and revamp. He said he has already transitioned the committee leadership in response to the rotation of the appointees. Mr. Ayers is now chairman of the Federal Agency Programs (FAP) Committee, and Vice Chairman Price is the chairman of the Communications, Education, and Outreach (CEO) Committee.

V. Building a More Inclusive Preservation Program Follow-Up

Chairman Donaldson said the best panel he has been part of so far was the discussion at the August business meeting about this topic on Ellis Island. The ACHP can continue to encourage wider involvement and representation in determining what historic sites are important, how they should be interpreted and preserved, and how they portray a more complete story of America's heritage.

A priority of the ACHP and the Administration is to reach out and include the full range of cultures and communities that make up today's America. He is looking at other initiatives coming out of the White House like the Secretary of the Interior's American Latino Heritage initiative, the White House Initiative on Asian Americans and Pacific Islanders, and government-wide efforts to better engage Native Americans in federal programs and to respect their unique culture and heritage.

Vice Chairman Price said inclusiveness is a core American value and objective. The historic preservation movement is seeking to take advantage of this grand objective. A point that came out of the Spokane session is that we are living through a period of commemoration, and most of the commemorations gaining public attention have to do with the making of a more and perfect union. At the session in Spokane, he talked about how much has changed in the historiography of the American republic, where we locate people on the grand stage of the republic. The historic preservation movement has an opportunity to democratize spaces, sites, and narratives, he said. At the Ellis Island session we talked about diversifying historic preservation and the complicating diversity; it no longer should be focused on race or perceptions of race, it should now be focused on generational and regional divides among others. It is going to require great leaps of faith and strategies and funding.

He said at the CEO Committee meeting the previous day he talked about using social media to diversify. Social media gives us an opportunity to reach audiences that we have not reached before, he said. An example, 28 percent of African Americans who use the Internet use Twitter. That is a significant bridge into a community that has been underrepresented in the historic preservation movement. We are probably in the midst of a paradigm shift regarding what we value in our collective memory, and the kinds of historic spaces, sites, and narratives we want to pass along to our children and relatively new Americans, he said.

Mr. White said the opening plenary at the National Preservation Conference was spectacular. In the Preservation Initiatives (PI) Committee they reaffirmed the recommendations, and they continue to look at the Preserve America Communities—which is a program without funding yet a program that keeps on going. These communities represent a broad cross section of America. We need to give more power to their stories, he said.

Stephanie Meeks said she took the opportunity of her plenary address at the conference to talk about the opportunity we all have to connect more with the people who share our values but who are not formally connected to the preservation movement. She asked people for ideas to engage this cohort of local preservationists. A movement is out there, but it is quite a distributed movement and not a very cohesive movement at this time, and there is an opportunity for us to band together in our collective marketing and outreach efforts to figure out how to mobilize that constituency against our common agenda.

Mr. White made a motion to adopt the seven recommendations in the Building a More Inclusive Preservation Program follow up. Vice Chairman Price seconded it. It passed unanimously.

VI. A. The Future of the Historic Preservation Tax Credits

Chairman Donaldson said one of the incredible reports that came out in 1965 was “With Heritage So Rich” that shaped the 1966 National Historic Preservation Act. The first federal tax incentives were put into place in 1976 and then in 1981 where it became a powerful tool with many benefits. He mentioned his own experience with tax credits when he was a young architect in San Diego. The ACHP has regularly taken on positions for legislative proposals to help refine or expand these tax credits. The goal today is to continue the ACHP’s active engagement in addressing the future direction of federal tax policy related to historic preservation. He invited the NPS, as the primary administrator of the preservation side of the current credit program, to brief the members on the existing tax program and its achievements.

He asked Brian Goeken, Chief of Technical Preservation Services for the NPS, to make a presentation. He showed a PowerPoint. He summarized the 20 percent rehabilitation tax credit, often called the historic credit, that is part of the federal historic tax incentives program. It is administered by the NPS and Internal Revenue Service (IRS) in partnership with SHPOs. The historic credit is the largest federal program to specifically promote historic preservation and community development through historic rehabilitation spurring economic development in cities, towns, and rural areas throughout the nation. The historic tax credit program has leveraged more than \$65 billion in private investments since 1976. Studies have shown the creation of more than 2.2 million jobs over the life of the program—local, more high skilled, and higher paying.

Chairman Donaldson it would be good for the ACHP to share the word about these tax credits for the benefit of people going to Congress to ask for the retention of them. These kinds of numbers are very moving and forceful, he said. Mr. Fowler said this is not only a preservation tool; it is an important domestic policy program for job creation, urban revitalization, and affordable housing. Its successes over the years have been ably demonstrated and documented and studied. It is the top priority of the preservation community to keep these credits vital and in place, he said.

He talked about a court ruling for Boardwalk Hall in New Jersey. The other challenge out there is the prospect for comprehensive tax reform in the next Congress. The historic tax credits are in an interesting position because individual members are very supportive of the credits; they see the value of the program in their districts, however, when one starts talking about comprehensive tax reform, there’s no telling where those kinds of megapolicy decisions are going to go, which might have an impact on the historic tax credits.

Mr. Fowler said it is important for council members to reaffirm their support for the tax credits and to be an advocate and informant with our partners in the legislative and administrative arenas as things unfold. Chairman Donaldson said the ACHP’s task is to take an active advocacy role in the discussions with the Administration.

Ms. Meeks said the National Trust has made the support and defense of the federal historic tax credits its top policy priority for the past year and for the coming year. They are concerned in a major tax overhaul that tax expenditures, such as tax credits, will be on the table, and they wanted to make sure that the power of this program is well understood by decision makers. She asked Tom Cassidy to address the members. He said the National Trust’s effort is designed to ensure that as the Congress and the Administration consider tax reform, that the job-creating, community revitalizing, heritage protecting impacts of the historic tax credit are well known. He detailed what the National Trust has been doing to support the cause. It is really about informing and mobilizing the public.

Dr. Price asked if there is any credible reason that this tax credit can be misperceived as having been abused over the years. Mr. Cassidy said in Virginia there are noted abuses of the federal tax credit. But overall, studies have shown the credit is one of the more efficient and successful tax credits out there. Chairman Donaldson said in his experience, because of the great oversight the NPS has and in dealing with the SHPOs, abuses are minimal and usually with the IRS.

Mark Sadd said there should be a much more powerfully presented case on the income/revenue benefits to the federal government. He would also like to have a comprehensive presentation piece, sponsored by multiple organizations, that are saying one message. Stories from the developers need to be told in that piece. He said it is important to stay out in front of this in an economic, financial-based argument as to why the tax credit should stay.

Terry Guen said the Sustainability Task Force reiterated that sustainability is for social, economic, and environmental benefit and for the long-term to create a legacy. She said one could consider the tax credit is an already existing successful sustainability initiative, and she asked, what is it doing for the long-term?

At this time Yolanda Chávez arrived.

Vice Chairman Price mentioned Newark, New Jersey's James Street Commons historic neighborhood which has been revived and is one of the most livable and appealing areas in old downtown Newark. It was brought back to life by the tax credit. Assuming that Newark is not the only old, industrial town that has, in part, been brought back to life by this benign and forward-thinking tax credit, one part of the coalition might be city mayors who can link historic preservation to urban revitalization and jobs, he said.

Dorothy Lippert said the government is always talking about how to increase the number of jobs. Getting testimony from people who have used the tax credits and stating the number of jobs generated as a result of the projects could be good. She suggested showing the tax credit is not just a gift to a developer, but it has broad ramifications throughout the community.

Mr. Cassidy said we must show the economic impact of this credit. Mr. Sadd suggested some comparative analysis. Ruth Pierpont said this is an extremely important thing for SHPOs; it is the biggest tool in the toolbox to encourage people to undertake historic preservation projects. Collaboration is extremely important, too.

Ms. Jacobson said the federal historic preservation tax incentives program is enormously successful to the revitalization of urban areas and otherwise. DOI and NPS lend their best and brightest support to this program. She said the Department will continue to lend its technical support and data gathering capabilities to this important program but must stop short of any advocacy in the legislative arena.

Mr. White said the PI Committee had a discussion on this issue and he offered a motion for discussion:

Whereas the Federal Historic Rehabilitation Tax Credit is the most important and successful federal financial incentive for historic preservation and has proved its value as a preservation strategy since 1981; and

Whereas the National Park Service administers the Federal Historic Preservation Tax Incentives Program with the Internal Revenue Service in partnership with the State Historic Preservation Offices; and

Whereas the Federal Historic Rehabilitation Tax Credit also has an exceptional record of creating jobs, providing affordable housing, and stimulating community revitalization while preserving icons of our nation's heritage; and

Whereas the revenue cost of the credit has been more than offset by the increased federal tax receipts from development they have spurred; and

Whereas the National Historic Preservation Act charges the Advisory Council on Historic Preservation

with advising the President and the Congress on historic preservation matters, including the effects of tax policies at all levels of government on historic preservation;

Now, therefore, the Advisory Council on Historic Preservation reaffirms its commitment to supporting the continued vitality of the Federal Historic Rehabilitation Tax Credit and the Federal Historic Preservation Tax Incentives Program and directs the Chairman and the Executive Director, in consultation with the Preservation Initiatives Committee, to work with its sister federal agencies and other preservation partners to support and promote the Federal Historic Rehabilitation Tax Credit and the Federal Historic Preservation Tax Incentives Program within the Administration and the Congress.

Mr. Sadd seconded the motion. Ms. Guen offered a suggestion to add another clause about the sustainability benefits. Mr. White accepted the amendment.

Glenn Haggstrom said he would agree in principle in terms of the benefits of the program, but he would have to abstain as a federal agency, but he would be happy to offer support with documentation and data. He asked in the years since the passage of the tax credit, did the Congressional Budget Office (CBO) ever opine on the validity of it? He suggested finding something that was offered up through CBO that you can bring to the forefront or counter their arguments by providing examples of the benefits. We need to follow up on that, Chairman Donaldson said. He called the question, the council members voted in the affirmative with seven abstentions: Architect of the Capitol, Department of Defense, General Services Administration, Department of Transportation (DOT), DOI, Department of Veterans Affairs, and USDA.

VI. B. Rightsizing Task Force Report

The chairman commended Mr. White as the leader of the task force which has been dealing with how local and federal governments have been responding to the loss of jobs and population in the older industrial based cities. The task force has the National Trust as the vice chair, and members include National Conference of State Historic Preservation Officers (NCSHPO), Mayor Coleman, DOI, DOT, Department of Housing and Urban Development (HUD), USDA, Environmental Protection Agency, and the National Alliance of Preservation Commissions. The task force has had a series of on-site meetings and is now bringing its recommendations to the full ACHP membership. Mr. White said the task force had a discussion of the recommendations that were included in the meeting book. He said they are going to recast and reformat some of the recommendations. He asked council members if they have any concerns or additions. He will distribute a new set of recommendations. He said the draft report will be completed in January, and the full report will be completed before the February meeting.

Ms. Meeks suggested that compliance with Section 106 is underscored in the report. Camille Mittelholtz commented that federal agency programs are often a creature of the enabling legislation of the program, so the goal of working toward rightsizing is a good one, but there needs to be some flexibility.

IX. Sustainability Task Force Report

Ms. Guen said the task force talked about what it would do in the upcoming year and if the task force would be subsumed by the PI Committee. In the past 10 years, public awareness of sustainability has moved forward, so should the task force have a different focus? She thanked the Architect of the Capitol for their presentation at the meeting. Chairman Donaldson said the federal agencies have the Senior Sustainability Officer (SSO), and Ron Anzalone is the SSO for the ACHP. He read from Mr. Anzalone's report that the agency SSOs convened on a couple of occasions. This year's agency sustainability plans are about to be released, detailing agency efforts, and climate adaptation plans are also part of these requirements. Renewable energy development is certainly affecting many interests, including tribal communities. The Council on Environmental Quality (CEQ) will be turning its attention in the new year

to the existing guiding principles of sustainability. Chairman Donaldson said it is an opportunity for the ACHP to make more progress in getting the word out about the relationship between sustainability and preservation.

VI. D. ACHP Plan in Response to UN Declaration on the Rights of Indigenous Peoples

Chairman Donaldson said the Administration has called on federal agencies to take steps to implement this important declaration. He asked Ms. Hauser to come to the table to address council members. She said this declaration is an outgrowth of the UN Universal Declaration on Human Rights which was adopted in 1948. But it was not until 2007 that the UN adopted this declaration. Initially, the U.S. was one of four countries that did not adopt it. In 2009, at the White House Tribal Nations Conference, the President heard from tribal leaders about the need for the U.S. to get on board and support the declaration, and the Administration began a review of the Declaration which included extensive consultation with tribal leaders, outreach to indigenous organizations, civil society, and other interested individuals.

At the White House Tribal Nations Meeting in 2010, the President announced that the U.S. had reversed its position and now supports the Declaration. She said it is important to note that the U.S. position as articulated by the State Department is that the Declaration: “while not legally binding or a statement of current international law—has both moral and political force.”

Ms. Hauser said the ACHP’s work already supports much of the Declaration:

1. Have had a tribal policy since 2000 and have the first federal agency policy about Native Hawaiian consultation
2. Have a formal statement about our trust responsibility to tribes
3. Have extensive guidance about tribal and Native Hawaiian organization (NHO) consultation
4. Participate in interagency initiatives that promote and support working with tribes and NHOs

But the Administration’s position on the Declaration gives us an opportunity to improve on what we already do, she said. Most importantly, we have the opportunity to use our voice to raise awareness about the Declaration and the indigenous rights it seeks protect, at least in regard to historic preservation. There are three articles related to the mission and work of the ACHP.

The focus is to more obviously work the Declaration into existing initiatives such as the Traditional Cultural Landscapes Action Plan. She proposes mentioning it whenever either members or staff speak about tribal or Native Hawaiian issues in presentations, in Section 106 courses, or publications. Information about it should be disseminated through our Web site and e-mail distribution, and through partners.

Ms. Hauser said, while these may seem like small steps, the ACHP would be among the first few federal agencies to be so public about the Declaration. We would also be raising awareness about it in the preservation community which, in itself, is a major accomplishment. She is also proposing to take the first steps toward figuring out how the Declaration relates to issues raised in the Section 106 process.

She said she hopes council members will provide policy guidance to us as we move in this new and exciting direction to embrace and support the Declaration.

Chairman Donaldson said at the NATHPO meeting it was brought up about how this works in the Section 106 process. Ms. Hauser said she will have to address that and how we offer assistance in responding to that. Dr. Lippert said historic preservation is essential to the well being of tribes and Native Hawaiian organizations. In the U.S. there has been a long history of erasing Native peoples and selective public memory about tribes, she said. There is a natural linkage between the UN Declaration and the work the

preservation community does, and it would be of great benefit for the ACHP to take actions like this in support of the UN Declaration. Mr. Blazer said he wants to be supportive of this issue especially in regard to the Forest Service lands. He would like to have a discussion with NATHPO and the ACHP. Ms. Sullivan asked if the ACHP is working with the State Department. Ms. Hauser said she is coordinating with the White House who will coordinate with the State Department.

VI. E. Social Media and the ACHP

Chairman Donaldson said the ACHP is now on Facebook (Preservation-The Next Generation) and Twitter (@usachp). Vice Chairman Price said these represent significant steps. The CEO Committee would like to pursue social media as a way of creating a more inclusive presence for historic preservation, and he would like to create a small study group to explore ways to take advantage of social media. Vice Chairman Price will be in charge of this group. Chairman Donaldson also thanked staff for their fine work on the new ACHP Web site.

VI. F., G. Planning for Upcoming Commemorations

Chairman Donaldson said in addition to the 50th anniversary of the NHPA and the 10th anniversary of Preserve America we also have several other opportunities to plan for these milestones and smaller milestone events. Mr. White said the PI Committee has been talking about the celebrations of NHPA and Preserve America for the past couple of meetings. This week they met with the CEO Committee to get more ideas and to try to decide the direction of what they want to do. What came out of the meeting was a call for the chairman to establish a working group on this to establish the ACHP's role and the other federal agencies' roles, and drive the larger celebration that should occur by some of our partners, and give input. Chairman Donaldson said he would do that. Vice Chairman Price said the 50th anniversary of the NHPA falls in a decade of powerful transformations and a year of a significant transformation in our thinking about citizenship—if we could make that leap, it would bring greater attention on the significance of the NHPA and how it was related to a season of other acts that strengthen our democracy.

Vice Chairman Price asked if Ms. Meek's Spokane speech could be on the ACHP's Web site and suggested she get it published in a national journal.

Super Storm Sandy

Mr. Ayers said in the FAP Committee they heard from ACHP staff that efforts are underway to assist stakeholders in dealing with the historic preservation implications from Super Storm Sandy. ACHP staff has already reached out to the SHPOs of this region to offer its assistance in dealing with the response to Sandy, and are also working with a variety of federal agencies that play a role in assisting that region with the response and recovery. In that regard, the ACHP received and has already approved a request from the Federal Emergency Management Agency (FEMA) to extend the emergency provisions of the Section 106 regulations for an additional 30 days in New York, New Jersey, and Connecticut. These emergency provisions will now extend nearly through December and provide for a much expedited process in consulting about the impact of response activities on historic properties when life and property are not at stake.

The committee also discussed strategies for dealing with the perception among some agencies that the Section 106 review process is the greatest regulatory hurdle that some agencies may face in their recovery operations. The committee discussed a number of measures that can be taken to ensure that Section 106 does not become a drag on recovery operations, and agreed that it would behoove the ACHP to reach out to agencies, including HUD, FEMA, and others, to offer assistance and suggest measures that can be taken to ensure that the Section 106 process does not become the bottleneck that some fear it might.

Mr. Ayers recommend that the ACHP reach out to leadership in these agencies directly involved in response and recovery and offer such advice to them.

Mr. White indicated that the PI Committee also talked about Hurricane Sandy and funding needs. He made a motion: Based on the successful model that was developed and followed for hurricane recovery after Hurricanes Katrina and Rita, any supplemental funding to help respond to the catastrophic damage throughout the Northeast and Mid-Atlantic by Super Storm Sandy should include support for historic preservation work, including:

- Funds for survey, evaluation, stabilization, rehabilitation, and repair of historic structures and sites affected by Super Storm Sandy and listed in or eligible for inclusion in the National Register of Historic Places;
- Temporary increases and extension of the Federal Rehabilitation Tax Credits for both income-producing historic properties and historic principal residences in declared disaster area states and counties; and
- Funds for affected State Historic Preservation Offices to provide sufficient expert staff and administrative support for review of disaster recovery projects under Section 106 of the National Historic Preservation Act at properties listed in or eligible for the National Register of Historic Places.

The chairman and the executive director should work with preservation partners on recommending appropriate funding levels and to provide information on the comparable experience with Hurricanes Katrina and Rita as well as others. We urge the chairman to express support for other supplemental funding, such as funds needed to stabilize or repair key public historic properties owned, controlled, or managed by the federal government.

Horace Foxall seconded it. Ms. Chávez suggested we request federal agencies that will be managing the long-term disaster recovery funding include that in their funding notices versus adding that in the supplemental language. Mr. White accepted that as an amendment.

Ms. Pierpont said this resolution is very important, and the preservation partners have already put together a package to do the things that Mr. White has suggested, getting increases to the tax credits, a grant program, and funding for the SHPOs that are involved. She said she does not yet know the extent of the damage. Assessing things is so important, but they do not have the staff to do it. We could be looking at a huge amount of work coming up, and it is truly important that we get support, she said.

Mr. Fowler said in the wake of Hurricane Katrina, the ACHP took an active advocacy role within the Administration when the Administration was putting its package together. The Office of Management and Budget put \$3 million in the package for SHPOs to increase their capacity to deal with Section 106 reviews in the administration of recovery funds, and that was critical to the efficient delivery of the services, grants, and reconstruction in the Gulf area. Chairman Donaldson said NCSHPO had tried to get extra funds when the American Recovery and Reinvestment Act was coming down the pike and an increase in Section 106 cases. They did not get the money and got slammed. It is important to have Programmatic Agreements in place with FEMA to have a certain amount of funds or personnel for emergency recovery.

Ms. Jacobson said DOI has deployed a significant work force in the response effort. On November 9, the NPS was able to relight the Statue of Liberty. Also the statue, pedestal, and base received little or no damage. On Ellis Island, there is little or no damage to the curatorial museum and archival collections stored in the immigration building. There is severe damage to the facilities, particularly mechanical operations, at both places, which will require extensive repair. She said DOI will abstain from voting on

this resolution. The motion passed unanimously with one abstention (DOI).

VII. A. Guidance on Coordinating and Substituting NEPA and Section 106 Compliance

Mr. Ayers said the FAP committee had a productive discussion about the handbook the previous day and heard from ACHP and CEQ staff about their efforts to bring this long-awaited handbook to conclusion. Both agencies expect a final product will be available in the not too distant future. He asked Charlene Vaughn and Reid Nelson to come to the table and summarize for the members what this handbook hopes to accomplish, how it is structured, and our intentions for providing education and training opportunities.

Ms. Vaughn said the ACHP and CEQ have been diligently attempting to draft a National Environmental Policy Act (NEPA) handbook during the past year. They were guided by the workgroup that was led by Ms. Sullivan, for two years, so we had a framework for how to proceed in the drafting. There has been support from the NEPA contacts and the resource agencies. The handbook is proposed as a tool. The Section 106 practitioners have frequently been criticized for not understanding the role they should play in environmental reviews under NEPA. The handbook includes tips for the Section 106 practitioners to explain how they can actively participate in NEPA to conclude environmental reviews within a timely manner. She showed a PowerPoint presentation.

Mr. Nelson said the ACHP recognizes it is important to provide education and training in how to implement certain provisions of this handbook. There will be training and assistance to SHPOs and THPOs who will bear some of the interpretive responsibility for this. He asked for comments from the members on how to target additional training and assistance. Horst Greczmiel said this has been a long process, but we are bringing together two communities that tend to stovepipe their processes and to try to blend those and get them to understand one another's processes and then bring them together in a way that is more seamless than it has been in the past has been our objective. He thanked Mr. Sadd, Ms. Sullivan, Ms. Vaughn, and Robin Hawks. Chairman Donaldson thanked Nancy Sutley.

Chairman Donaldson said we really do not separate our natural environment from our manmade environment. This was well received at the NATHPO meeting, as well. Mr. Fowler said the ACHP sits on the steering committee to implement the President's executive order on infrastructure and that the ACHP was attempting to look at ways to reduce the friction points in the process for delivering infrastructure projects. This handbook is the kind of thing that makes significant incremental steps in improving the delivery of federal projects by looking at where we can make the Section 106 process work more efficiently.

Ms. Guen said as a private practitioner, this is seminal because they would be asked to choose between environmental quality or design, and this blends the two and is terribly important and will engage more people and an improved quality of effort. Chairman Donaldson said this will help with the Traditional Cultural Landscapes.

VII. B. HUD Tribal Notification Database

The chairman said one of the challenges federal agencies face in meeting their Section 106 duties to consult with Indian tribes is identifying the tribes that may have an interest in their projects. HUD has stepped into the breach and developed an incredible tool that is being made available for use by all federal agencies. He asked Ms. Chávez to introduce the subject. She said HUD has been working hard to improve guidance and training to their grantees to ensure that they are complying with tribal consultation under Section 106. This tool was released this past summer. She said they could not have done all this without Federal Preservation Officer Nancy Boone.

Ms. Boone presented a PowerPoint demonstration of how the tool works. She suggested members view

the list at <http://egis.hud.gov/tdat/Tribal.aspx>. It is an interactive database. You can type in the street address of a project and get back a list of the tribes that have expressed an interest in that county, state, location, and it gives you the tribal leader's name, their title, address, e-mail address, phone. Or you can search by tribe. She said HUD is committed to keeping the information up-to-date.

At this time Ms. Pierpont left the table, and Ms. Schamu took her place.

Mr. Sadd said when he first joined the ACHP, he could not believe the lack of centralized, comprehensive, and current information on tribes. He complimented HUD for achieving this and sharing it with other agencies. Chairman Donaldson said this is an exemplary partnership. Ms. Jacobson said this is a project well suited for DOI's participation and offered the Department's assistance. Dr. Lippert said, regarding getting updated contact information, that HUD present this at the National Congress of American Indians conference. Chairman Donaldson asked how far out does this encompass the ancestral or aboriginal lands? Ms. Boone said it is meant to be comprehensive in that regard.

Mr. Fowler asked how to get the word out, and said that the ACHP would like to help in publicizing it.

Ms. Meeks asked if there is a press release about this. Mr. Blazer said as a former tribal councilman, this is so refreshing to see federal agencies reaching out to the tribes. Ms. Schamu said NCSHPO would be happy to distribute the appropriate links and summary information from HUD to all SHPOs.

VII. C. Energy and Historic Preservation Workgroup

Chairman Donaldson said this group was created last year to deal with the challenges of large-scale energy projects in the West. Mr. Ayers said in the FAP committee meeting he learned that the workgroup formed a landscape subcommittee to develop a "best practices" document for addressing large landscapes in the Section 106 compliance process for energy and transmission projects. The focus of the effort was to produce a short compilation of best practices for use by BLM field staff when working on energy and transmission projects, both on and off BLM lands.

The resulting document is being tailored specifically for BLM and will be distributed to their staff by the BLM's Washington Office as part of a larger packet of "Interim Guidance." The workgroup plans to use this document as a starting point to produce a broader guidance document that will be distributed to and used by all federal agencies. Mr. Ayers said he will keep the members informed of progress on this as it is expanded for broader use in the future.

Chairman Donaldson said one project could consume 12,000-16,000 acres, when you have 30,000 sun catchers out there in the desert, how do we get through the programs of Section 106 compliance that we have not done before? He said he thinks the working group has reached forward on this.

Mr. Ayers went on to talk about MAP-21 saying, also at the committee meeting, he heard from staff about the ACHP's efforts to convene a meeting between preservation partners and DOT to discuss the implementation of MAP-21. The ACHP convened this group, which included the National Trust, Preservation Action, NCSHPO, and NATHPO to implement the provisions of MAP-21, including those provisions that require the development of guidance and instruction on various environmental streamlining measures.

DOT provided a number of very useful recommendations on how the ACHP can assist, and also recommended that the ACHP be prepared now to weigh in on the development of whatever replaces MAP-21 in the not-too-distant future, recognizing that MAP-21 is a two-year bill.

Mr. Ayers said the steps the ACHP took in convening its preservation partners and members to coordinate on MAP-21 provides an excellent model for how the ACHP might bring the preservation community

together in the near future when we consider whatever replaces MAP-21, and urged everyone to consider using this model again when the time presents itself.

VIII. New Business

Mr. White said three Preserve America Communities and two Stewards are being designated, and documentation from the First Lady is in the mail.

Chairman Donaldson said the 2013 meetings will be February 28-March 1; July 17-18, and November 13-14, and all will be in Washington, D.C. He again thanked ACHP staff for all their support.

Dr. Price said this is a bittersweet moment that we will bid farewell to Jack Williams and Mr. Sadd. Everybody knows how generous they have been with their talent, time, humor, and dedication. The meeting was adjourned at 11:58 a.m.